

CHAPTER 18

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ARTICLE 1

General Provisions

Sec. 18-1-10. General interpretations.

The following general interpretations shall apply to this Article:

- (1) Frostline is three (3) feet.
- (2) Wind load is twenty-five (25) pounds per square foot of wind pressure.
- (3) Wind speed is one hundred (100) miles per hour for the three-second gust.
- (4) Roof live load is thirty (30) pounds per square foot.
- (5) Ground snow load is thirty (30) pounds per square foot.
- (6) Edgewater is within seismic design category B.
- (7) When any code refers to public officials by title of office or to particular departments, boards, commissions, bureaus or other agencies of the City, such references shall apply to the appropriate public officials of the City, such as, by illustration only, the City Engineer, Fire Chief and Board of Adjustment, although not necessarily designated by the same official title.
- (8) Section 3408 of the IBC shall include all buildings moved into the City, including manufactured and modular buildings. (Prior code 5-17; Ord. 07-07 §2, 2007)

Sec. 18-1-20. Department of City Engineer.

There has been established the Department of the City Engineer which will include, but not be limited to, administration and enforcement of the codes pertaining to building and construction, plan review and building inspection and all other ordinances and codes which may hereafter be assigned to the Department for administration and enforcement by the City Manager, the Fire Chief or pursuant to a written services agreement approved by the City Council. (Prior code 5-20; Ord. 05-10 §3, 2010)

Sec. 18-1-30. Right to appeal; Board.

- (a) All persons shall have the right to appeal any decision of any appropriate official to the Board of Adjustment, which will hear and determine appeals pertaining to this Chapter.
- (b) The Board of Adjustment shall be authorized to make rules of procedure necessary for the transaction of business consistent with this Chapter.
- (c) The general duties and powers of the Board of Adjustment shall be:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of this Chapter.

(2) The Board of Adjustment may, in exercising its powers, reverse, affirm wholly or in part or modify the order, requirement, decision or determination appealed from and shall render its order, requirement, decision or determination. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to render a decision. Such decision shall be made in writing, with a copy furnished to the appellant.

(d) Prior to any action by the Board of Adjustment, a letter or application shall be filed in the office of the City Clerk which clearly states the reason for the appeal. The letter or application must be filed within thirty (30) days after notification by the Building Official of any order, requirement, decision or determination made by the Building Official. Upon filing the letter or application, a fee shall be paid to the City to cover expenses, such as, but not limited to, publication and posting of a notice of hearing and copies of necessary information, incurred by the City. Notice of hearing shall be published in a newspaper of general circulation, and the property in question shall be posted with the same not later than ten (10) days prior to the hearing by the Board of Adjustment. (Prior code 5-21)

Sec. 18-1-40. Fees.

(a) The following schedule prescribes the fees for permits under this Article:

Valuation	Fee
\$0.00 to \$500.00	\$35.00
\$500.01 to \$1,000.00	\$55.00
\$1,000.01 to \$1,500.00	\$70.00
\$1,500.01 to \$2,000.00	\$80.00
\$2,000.01 to \$10,000.00	\$80.00 plus \$16.00 for each \$1,000.00 valuation or fraction thereof above \$2,000.00
\$10,000.01 to \$30,000.00	\$208.00 plus \$14.00 for each \$1,000.00 valuation or fraction thereof above \$10,000.00
\$30,000.01 to \$100,000.00	\$488.00 plus \$12.00 for each \$1,000.00 valuation or fraction thereof above \$30,000.00
\$100,000.01 to \$500,000.00	\$1,328.00 plus \$9.00 for each \$1,000.00 valuation or fraction thereof above \$100,000.00
\$500,000.01 and over	\$4,928.00 plus \$8.00 for each \$1,000.00 valuation or fraction thereof above \$500,000.00
On-site moving of structures	\$100.00 for each structure or \$70.00 for each portion moved separately, whichever is greater
Wrecking	\$10.00 plus \$0.03 per square foot of floor area, which includes basement, first floor and all others
Repair of existing facility or equipment	\$5.00 plus \$2.00 for each \$100.00 of repair costs or fraction thereof

(b) The determination of value shall be made by the Building Official. The value to be used in computing the building permit fee shall be the total value of all construction work for which the

permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(c) When a plan or other data is required to be submitted by this Article, a plan review fee of sixty-five percent (65%) of the permit fee shall be paid at the time the permit fees are paid. If plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the same rate.

(d) Refunds of permit fees will be considered using the following criteria:

- (1) No refunds of plan review fees will be given.
- (2) If work has not started, up to eighty percent (80%) of the permit fees is eligible for a refund.
- (3) If materials will not be used, one hundred percent (100%) of the use tax is eligible for a refund.
- (4) If work has started, up to eighty percent (80%) of the permit fees minus any City expenditures will be refunded.
- (5) Refunds shall be requested in writing giving the reasons why the work will not be done.
- (6) Refunds shall be requested in writing within sixty (60) days of the date the permit was issued.
- (7) Refunds may only be given to the party that paid for the permit.

(e) Building permits for active solar energy devices or systems.

(1) Any other provision of this Section notwithstanding, the aggregate fees for a building permit issued for an active solar energy device or system shall not exceed the lesser of the City's actual cost in issuing the permit or five hundred dollars (\$500.00) for a residential application or one thousand dollars (\$1,000.00) for a nonresidential application.

(2) Notwithstanding the provisions of Subsection (b) above, where any building permit application includes an application for an active solar energy device or system, the Building Official shall bifurcate the application and determine the fee for the active solar energy device or system separately from the fee for the remainder of the application.

(3) This Subsection shall only apply to active solar energy devices or systems that are not utility-scale. For purposes of this Subsection, an active solar energy device or system shall not be considered to be utility-scale if it is under ten (10) kilowatts in a residential application or under twenty-five (25) kilowatts in a nonresidential application. If the active solar energy device or system is not of a type that produces electricity, it shall not be considered to be utility-scale if it serves no premises other than the premises on which it is located.

(4) The provisions of this Subsection shall be of no further force or effect after July 1, 2011.

(f) The following schedule prescribes electrical permit fees to be charged pursuant to this Chapter:

<i>Method of Calculation</i>	<i>Fee</i>
Residential uses: square footage	
Not more than 1000 sq. ft.	\$115.00
1,001 sq. ft. to 1500 sq. ft.	\$172.50
1,501 sq. ft. to 2000 sq. ft.	\$230.00
Additional fee per 100 sq. ft. in excess of 2,000 sq. ft.	\$11.50
All other uses: valuation of project, including time, material and contractor profit	
\$1 - \$2,000	\$115.00
Additional fee per \$1,000 or fraction thereof of total valuation grater than \$2,000	\$11.50
Miscellaneous Electrical Permit Fees	
Mobile/modular home inspections and travel parks or trailer park inspections, per space	\$115.00
Construction meter or extra inspections	\$57.50
Reinspections	\$57.50
Additional fee for temporary heat release	\$57.50

(Prior code 5-22; Ord. 03-04 §§1, 2, 2004; Ord. 07-07 §5, 2007; Ord. 07-08 §1, 2008; Ord. 19-09 §1, 2009; Ord. 14-10 §§18, 19, 2010)

Sec. 18-1-50. Expiration; cancellation of permits.

(a) Every permit shall expire if the work authorized by such permit is not commenced within sixty (60) days from the issue date of such permit or if the work authorized is suspended or abandoned for a period of sixty (60) days at any time after the work is started. Every permit shall expire if the work authorized by such permit is not completed within the time limits set forth below, beginning at the date of issuance:

(1) New primary commercial buildings and major additions or alterations thereto, twelve (12) months, or as determined by the submittal of construction schedule approved by the Building Official as being a reasonable estimate of the time required for the particular construction project, assuming normal diligence in construction;

(2) New primary residential buildings and major additions or alterations thereto, eight (8) months;

(3) New accessory structures and additions thereto, four (4) months;

(4) Miscellaneous construction, including public utilities, street paving and street improvements, six (6) months;

(5) Minor accessory items, repairs and replacements, including but not limited to fences, signs, roofing, siding, water heaters, furnaces, air conditioners, decks and windows, three (3) months;

(6) Prior to the expiration of the permit, the permittee may make written request for an extension of the permit time. The Building Official may grant any number of extensions of the expiration equal to or lesser than the length of the original permit time, if the original expiration date of the permit exceeded twelve (12) months with the approval of the Building Official pursuant to Paragraph (a)(1) above, the permittee shall pay one-half (½) of the original permit fee for the first extension granted. All other initial extensions may be granted at no charge. Additional extensions of the permit may be granted upon written request at a cost of one-half (½) of the original permit fee for each permit extension.

(b) Expired permits shall be canceled, and no refund of the permit fee shall be made. Before such work can be commenced or resumed, a new permit shall be obtained, and the fee therefor shall be the amount required for the original permit. If the permit is not renewed, any uncompleted work shall be deemed a violation of this Article and any depression, hole, cavity or pit resulting from such uncompleted work may be treated as a public nuisance as provided under Chapter 7. If the permit holder can demonstrate that the suspension or abandonment was occasioned by circumstances beyond his or her control, he or she may make written application to the Chief Building Official, stating the reason for failure to meet the time limitation herein stated. Such a request will be documented with applicable statements concerning adverse weather, adverse material delivery dates, labor strikes or such other reasons as are pertinent to the evaluation of said request. The Chief Building Official shall evaluate all evidence submitted and such other information that is pertinent thereto, and render a decision concerning the application. If said decision supports the claim of the permit holder, then a new permit shall be issued without charge.

(c) Exception. The work authorized by a wrecking permit shall be commenced within thirty (30) days from the date of issuance of such permit and shall be continuous until the work authorized by such permit is completed. If such work is suspended or abandoned for a period of ten (10) days after the work is commenced, the permit shall expire.

(d) For the purposes of this Article, the definition of *continuous* shall be the normal rate of progress in completion of a project consistent with standard building or demolition trade standards. (Prior code 5-23; Ord. 03-04 §3, 2004; Ord. 07-07 §6, 2007; Ord. 14-10 §16, 2010)

Sec. 18-1-60. Violations.

Violations of any code adopted herein shall be punished as provided in Section 1-4-20. (Prior code 5-16; Ord. 07-07 §1, 2007)

Sec. 18-1-70. Working hours.

Any work performed within the City under a permit issued pursuant to this Chapter 18 shall be performed between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday, and between the hours of 8:00 a.m. and 6:00 p.m. on Sunday. (Ord. 14-10 §17, 2010)

ARTICLE 2

Building Code

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the City, by reference thereto, the *International Building Code (IBC)*, 2009 Edition, together with all appendices and tables thereto, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §1, 2010)

Sec. 18-2-20. Copy on file.

At least one (1) copy of the International Building Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-2-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IBC are hereby amended as follows:

(1) Section 101.3 of the IBC is amended by the addition of the following at the end of the paragraph:

"In case of conflict between this code and other codes or ordinances in effect, the more restrictive shall apply."

(2) Section 105.2 of the IBC is amended to read as follows:

"Building:

"1. Movable cases, counters and partitions not over 5 feet 9 inches in height.

"2. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"3. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

"4. Swings and other playground equipment accessory to detached one- and two-family dwellings.

"5. Concrete flatwork on private property that is placed on the exterior or interior that is not structural. Monolithic concrete slabs and footings are not exempt.

"6. Installation or repair of gutters and downspouts, but not including piped or integral roof drainages systems."

(3) Section 105.5 of the IBC is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(4) Section 105.6 of the IBC is amended by the addition of the following:

"The suspension or revocation of any permit or other privileges conferred by the City shall not be regarded as a penalty for the purpose of this building code."

(5) Section 108.4 of the IBC is amended by the addition of the following:

"Such fee will generally be equal to the permit fee."

(6) Section 108 of the IBC is amended by the addition of the following:

"108.7 Permit Fees. See Section 18-1-40(a) of the Edgewater Municipal Code.

"108.8 Plan Review Fee. See Section 18-1-40(c) of the Edgewater Municipal Code.

"108.9 Permits Not Requiring Fees. The Government of the United States of America, the State of Colorado and its political subdivisions, the City of Edgewater and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings, structures or utilities owned wholly by such agencies or departments and devoted exclusively to governmental use when such work to be performed is actually performed by employees of such agencies and departments."

(7) Section 112 of the IBC is amended to read as follows:

"BOARD OF APPEALS

"112.1 General. See Section 18-1-30 of the Edgewater Municipal Code."

(8) Section 310 of the IBC is amended by the addition of the following subsection:

"310.3 Fireplace Installation. Any new or remodeled fireplace to be installed or constructed in any dwelling in the City shall be one of the following:

"1. A gas appliance;

"2. An electric device;

"3. Fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Air Quality Control Commission pursuant to Section 25-7-

407(8), C.R.S., or any other clean burning device that is approved by the Air Quality Control Commission."

(9) Section 903.2 of the IBC is amended to read as follows:

"WHERE REQUIRED –

"Delete numbers 1, 2 and 3 under Section 903.2.1.2 Group A-2 and replace with the following:

"All new commercial restaurants and all existing commercial restaurants that undergo renovations, the value of which equal or exceed fifty percent (50%) of the pre-renovation value of the structure, if the restaurant use occupies the entirety of the structure, or of the restaurant space, if the restaurant use occupies a portion of the entirety of the structure in which it is located. For purposes of this Section, the pre-renovation value of a 'restaurant space' shall be calculated by multiplying the pre-renovation value of the entirety of the structure in which the space is located by a percentage equal to the percentage of the total area of the structure occupied by the restaurant use.

"Exceptions:

"a. Historical structures will be reviewed by the City upon written request for exception to this Section on an individual basis."

(10) Section 907.2 of the IBC is amended to read as follows:

"WHERE REQUIRED –

"1. An approved automatic and manual fire alarm system shall be provided in all occupancies in accordance with the provisions of this code and NFPA 72 and provide occupant notification in accordance with Section 907.10, unless other requirements are provided by another section of this code. Where automatic sprinkler protection is installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this Section shall not be required.

"2. The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

"3. All occupancies shall have an A/V device mounted above the main entrance as an additional means of fire alarm identification.

"Exceptions:

"a. All one and two family dwellings and as provided for in the International Residential Code."

(Prior code 5-19; Ord. 07-07 §§3, 4, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §2, 2010)

ARTICLE 3

Residential Code

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the City, by reference thereto, the *International Residential Code (IRC)*, 2009 Edition, together with all appendices and tables thereto, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns the fire, life and structural safety aspects of one-family and two-family dwellings and townhouses, and national test, material and special design standards for these types of buildings and structures. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §3, 2010)

Sec. 18-3-20. Copy on file.

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-3-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IRC are hereby amended as follows:

(1) Section 105.2 of the IRC is amended to read as follows:

"Building:

"1. Movable cases, counters and partitions not over 5 feet 9 inches in height.

"2. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"3. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

"4. Swings and other playground equipment accessory to detached one- and two-family dwellings.

"5. Concrete flatwork on private property on the exterior or interior that is not structural. Monolithic concrete slabs and footings are not exempt.

"6. Installation or repair of gutters and downspouts."

(2) Section 105.5 of the IRC is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(3) Section R112 of the IRC is amended to read as follows:

"BOARD OF APPEALS

"112.1 General. See Section 18-1-30 of the Edgewater Municipal Code."

(4) Section R309.1 of the IRC is amended by the addition of the following sentence at the end of the paragraph:

"Doors must be self-closing, be tight-fitting, weatherstripped and latch when released from a 60 degree open position."

(5) Section M1408 of the IRC is amended to read as follows:

"M1408.1 General. Floor furnaces are prohibited in any construction."

(6) Section G2437 of the IRC is amended to read as follows:

"G2437.1 General. Floor furnaces are prohibited in any construction."

(7) Section G2445 of the IRC is amended to read as follows:

"G2445.1 General. Unvented room heaters are prohibited in any construction."

(Prior code 5-19; Ord. 07-07 §§3, 4, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §4, 2010)

ARTICLE 4

Electrical Code

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the City, by reference thereto, the *National Electrical Code (NEC)*, 2008 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. The subject matter of the adopted code concerns life and safety requirements for the installation and maintenance of electrical wiring and systems. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 31-08 §1, 2008)

Sec. 18-4-20. Copy on file.

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-4-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 12-08 §1, 2008)

ARTICLE 5

Mechanical Code

Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code of the City, by reference thereto, the *International Mechanical Code (IMC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §5, 2010)

Sec. 18-5-20. Copy on file.

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-5-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IMC are hereby amended as follows:

(1) Section 106.4.3 is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(2) Section 106.5 of the IMC is amended by the addition of the following:

106.5.2 Permit Fees. See Section 18-1-40(a) of the Edgewater Municipal Code.

106.5.3 Plan Review Fee. See Section 18-1-40(c) of the Edgewater Municipal Code.

106.5.4 Fee Refunds. See Section 18-1-40(d) of the Edgewater Municipal Code."

(3) Section 108.4 of the IMC is amended to read as follows:

"Violation and penalties. It shall be unlawful for any person, firm or corporation to erect, install, alter, add, repair, relocate, replace, maintain or use any mechanical system or cause or permit the same to be done in violation of this code."

(4) Section 108.5 of the IMC is amended to read as follows:

"Stop work orders. Anyone receiving or notified of a Stop Work Order shall immediately cease and desist all work until the conditions of said order are adhered to and work is authorized to resume."

(5) Section 109 is amended to read as follows:

"MEANS OF APPEAL

"109.1 General. See Section 18-1-30 of the Edgewater Municipal Code."

(6) Section 910 of the IMC is amended to read as follows:

"910.1 General. Floor furnaces are prohibited in any construction."

(Prior code 5-19; Ord. 07-07 §4, 2007; Ord. 14-10 §6, 2010)

ARTICLE 6

Plumbing Code

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the City, by reference thereto, the *International Plumbing Code (IPC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns plumbing, including requirements for plumbing materials and installation standards. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §7, 2010)

Sec. 18-6-20. Copy on file.

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-6-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IPC are hereby amended as follows:

(1) Section 106.5.3 is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(2) Section 106.6 of the IPC is amended by the addition of the following:

"**106.6.2 Permit Fees.** See Section 18-1-40(a) of the Edgewater Municipal Code."

"**106.6.3 Plan Review Fee.** See Section 18-1-40(c) of the Edgewater Municipal Code."

"**106.6.4 Fee Refunds.** See Section 18-1-40(d) of the Edgewater Municipal Code."

(3) Section 108.4 of the IPC is amended to read as follows:

"**Violation and penalties.** It shall be unlawful for any person, firm or corporation to erect, install, alter, add, repair, relocate, replace, maintain or use any plumbing system or cause or permit the same to be done in violation of this Code."

(4) Section 108.5 of the IPC is amended to read as follows:

"**Stop work orders.** Anyone receiving or notified of a Stop Work Order shall immediately cease and desist all work until the conditions of said order are adhered to and work is authorized to resume."

(5) Section 109 of the IPC is amended to read as follows:

"MEANS OF APPEAL"

"**109.1 General.** See Section 18-1-30 of the Edgewater Municipal Code."

(Prior code 5-19; Ord. 07-07 §4, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §8, 2010)

ARTICLE 7

Fire Code

Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fire code of the City, by reference thereto, the *International Fire Code (IFC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns fire prevention standards and requirements, and fire related standards for testing and materials. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §9, 2010)

Sec. 18-7-20. Copy on file.

At least one (1) copy of the International Fire Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-7-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IFC are hereby amended as follows:

(1) Section 903.2 of the IFC is amended to read as follows:

"WHERE REQUIRED –

"Delete numbers 1, 2 and 3 under Section 903.2.1.2 Group A-2 and replace with the following:

"All new commercial restaurants and all existing commercial restaurants that undergo renovations, the value of which equal or exceed fifty percent (50%) of the value of the structure prior to such renovations, regardless of size.

"Exceptions:

"a. Historical structures will be reviewed by the City upon written request for exception to this Section on an individual basis."

(2) Section 907.2 of the IFC is amended to read as follows:

"WHERE REQUIRED –

"4. An approved automatic and manual fire alarm system shall be provided in all occupancies in accordance with the provisions of this code and NFPA 72 and provide occupant notification in accordance with Section 907.10, unless other requirements are provided by another section of this code. Where automatic sprinkler protection is installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

"5. The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

"6. All occupancies shall have an A/V device mounted above the main entrance as an additional means of fire alarm identification.

"Exceptions:

"a. All one and two family dwellings and as provided for in the International Residential Code."

(Ord. 12-08 §1, 2008; Ord. 14-10 §10, 2010)

ARTICLE 8

Fuel Gas Code

Sec. 18-8-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the City, by reference thereto, the *International Fuel Gas Code (IFGC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns requirements for the installation and maintenance of fuel gas burning appliances and systems. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §11, 2010)

Sec. 18-8-20. Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-8-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IFGC are hereby amended as follows:

(1) Section 106.4.3 of the IFGC is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(2) Section 106.5 of the IFGC is amended by the addition of the following:

106.5.2 Permit Fees. See Section 18-1-40(a) of the Edgewater Municipal Code.

106.5.3 Plan Review Fee. See Section 18-1-40(c) of the Edgewater Municipal Code.

106.5.4 Fee Refunds. See Section 18-1-40(d) of the Edgewater Municipal Code."

(3) Section 108.4 of the IFGC is amended to read as follows:

Violation and penalties. It is unlawful for any person, firm or corporation to erect, install, alter, add, repair, relocate, replace, maintain or use any fuel gas system or cause or permit the same to be done in violation of this code."

(4) Section 108.5 of the IFGC is amended to read as follows:

"Stop work orders. Anyone receiving or notified of a Stop Work Order shall immediately cease and desist all work until the conditions of said order are adhered to and work is authorized to resume."

(5) Section 109 of the IFGC is amended to read as follows:

"MEANS OF APPEAL

"109.1 General. See Section 18-1-30 of the Edgewater Municipal Code."

(6) Section 609 of the IFGC is amended to read as follows:

"609.1 General. Floor furnaces are prohibited in any construction."

(7) Section 621 of the IFGC is amended to read as follows:

"621.1 General. Unvented room heaters are prohibited in any construction."

(Prior code 5-19; Ord. 07-07 §4, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §12, 2010)

ARTICLE 9

Existing Building Code

Sec. 18-9-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the City, by reference thereto, the *International Existing Building Code (IEBC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code concerns the fire, life and structural safety aspects of existing buildings, addressing repair, alteration or change of occupancy. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §13, 2010)

Sec. 18-9-20. Copy on file.

At least one (1) copy of the International Existing Building Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-9-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the IEBC are hereby amended as follows:

(1) Section 105.2 of the IEBC is amended to read as follows:

"Building:

"1. Movable cases, counters and partitions not over 5 feet 9 inches in height.

"2. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"3. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

"4. Swings and other playground equipment accessory to detached one- and two-family dwellings.

"5. Concrete flatwork on private property on the exterior or interior that is not structural. Monolithic concrete slabs and footings are not exempt.

"6. Installation or repair of gutters and downspouts on residential units only."

(2) Section 105.5 of the IEBC is amended to read as follows:

"See Section 18-1-50 of the Edgewater Municipal Code."

(3) Section 112 of the IEBC is amended to read as follows:

"BOARD OF APPEALS

"112.1 General. See Section 18-1-30 of the Edgewater Municipal Code."

(4) Section 301 of the IEBC requires complete compliance with the IBC, IPC, IMC, IFGC, IECC, IRC and NEC when at least fifty percent (50%) of the building or story footprint is being modified, or when there is an increase of at least fifty percent (50%) of the existing size building, or when there is a change of occupancy.

(Prior code 5-19; Ord. 07-07 §§3, 4, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §14, 2010)

ARTICLE 10

Energy Conservation Code

Sec. 18-10-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy conservation code of the City, by reference thereto, the *International Energy Conservation Code (IECC)*, 2009 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted Code concerns the design of energy efficient building envelopes and installation

of energy-efficient mechanical, lighting and power systems and for energy conservation related standards for testing and materials. (Prior code 5-16; Ord. 07-07 §1, 2007; Ord. 12-08 §1, 2008; Ord. 14-10 §15, 2010)

Sec. 18-10-20. Copy on file.

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 12-08 §1, 2008)

Sec. 18-10-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 12-08 §1, 2008)

ARTICLE 11

Solid Fuel-Fired Heating Devices - High Pollution Days

Sec. 18-11-10. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Air pollution alert means a period of time designated as an air pollution alert by the Colorado Department of Public Health and Environment, representing a more severe air pollution condition than occurring during a high pollution day.

Air pollution emergency means a period of time designated as an air pollution emergency by the Colorado Department of Public Health and Environment, representing a more severe air pollution condition than occurring during an air pollution alert.

Air pollution warning means a period of time designated as an air pollution warning by the Colorado Department of Public Health and Environment, representing a more severe air pollution condition than occurring during an air pollution alert.

Approved solid fuel-burning device means a solid fuel-burning device which has been certified by the Colorado Department of Public Health and Environment, in accordance with procedures specified in State Air Quality Control Commission Regulation No. 4, as meeting the emissions standards for certification under such regulation, as amended from time to time.

Barbecue devices means devices that are utilized solely for the purpose of cooking food.

Exempt solid fuel-burning devices means those devices specifically exempted from regulation by the Commission in accordance with Regulation No. 4.

High pollution day means a period of time declared to be a high pollution day by the Colorado Department of Public Health and Environment, representing a less severe air pollution condition than occurring during an air pollution alert.

Sole source of heat means one (1) or more solid fuel-burning devices that constitute the only source of heat in a residence for the purpose of central or space heating. A residential solid fuel fired heating device shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed nonsolid fuel-burning furnace or heating system designed to heat the residence which is physically disconnected from its nonsolid fuel energy source, including heating oil, natural gas, electricity or propane.

Solid fuel-fired heating device means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves and a combination of fuel furnaces or boilers which burn solid fuel. *Solid fuel-fired heating devices* do not include barbecue devices or natural gas-fired fireplace logs. (Prior code 5-31)

Sec. 18-11-20. Use of solid fuel-fired heating devices restricted.

(a) It is unlawful for any person to operate, permit or cause to be operated within any residential structure or unit a solid fuel-fired heating device on a high pollution day, air pollution alert, air pollution warning or air pollution emergency, subject to the affirmative defenses set forth in Section 18-11-30.

(b) The prohibition set forth in Subsection (a) hereof shall not take effect until the expiration of three (3) hours from the time of public declaration of the high pollution day or air pollution alert by the Colorado Department of Public Health and Environment in order to permit burndown of existing fires.

(c) It shall be the duty of all persons owning or operating a solid fuel-burning device to be aware of any such declaration by the Colorado Department of Public Health and Environment, and the fact that such person was not aware of such declaration shall not constitute a defense to a violation of Subsection (a) hereof. (Prior code 5-32)

Sec. 18-11-30. Affirmative defenses.

(a) It shall be an affirmative defense to a charge brought under Section 18-11-20 that:

(1) The residence at which the violation occurred was, at the time of the violation, relying on a solid fuel-fired device as a sole source of heat; or

(2) The residence at which the violation occurred had and was using, at the time of the violation, an approved solid fuel-burning device.

(b) For purposes of this Section, a *residence* shall not include any accessory or outbuildings or garages, whether attached or not, to the principal structure. (Prior code 5-33)

ARTICLE 12

Fair Housing

Sec. 18-12-10. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Age means a chronological age of at least forty (40) years.

Disability means a physical or mental impairment that substantially limits one (1) or more major life activities, a record of such impairment, or being regarded as having such impairment, but excludes the current illegal use or addiction to alcohol or drugs or other disability that would constitute a direct threat to the property or safety of others.

Discriminate means both segregate and separate.

Familial status means one (1) or more minor children being domiciled with a parent or other person having legal custody of or parental responsibility for such minor children, or the designee of such parent or other person having legal custody of or parental responsibility with the written permission of such parent or other person, and includes any person who is pregnant or in the process of securing legal custody of or parental responsibility for any minor child.

Housing means any building, structure, vacant land or part thereof offered for sale, lease, rent or transfer of ownership, but does not include any room offered for rent or lease in a single-family dwelling maintained and accepted in part by the owner or lessee of the dwelling as his or her household.

Housing complex means a group of three (3) or more buildings, each containing five (5) or more units on a contiguous parcel of land owned by the same person or persons.

Marital status means the individual status of being single, divorced, separated or widowed, as well as the relational status of cohabitating and being married or unmarried.

Minor child means a person less than eighteen (18) years of age.

Person means one (1) or more individuals, partnerships, associates, corporations, legal representatives, trustees or receivers; any owner, lessee, proprietor, manager, employee or any agent of such person. *Person* does not include any nonprofit, fraternal, educational or social organization or club, unless such nonprofit, fraternal, educational or social organization or club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, sex, sexual orientation, marital status, familial status, religion, national origin or ancestry.

Restrictive covenant means any specification limiting transfer, rental or lease of any housing because of disability, race, creed, color, sex, sexual orientation, marital status, familial status, religion, national origin or ancestry.

Sex means biological sex, the sum of a person's physical characteristics.

Sexual orientation means the choice of sexual partners; i.e., bisexual, homosexual or heterosexual.

Transfer does not include the transfer of property by will or by gift.

Unfair housing practices means a practice specified in Section 18-12-30. (Prior code 10-16; Ord. 03-05 §1, 2005)

Sec. 18-12-20. Complaints.

Any person aggrieved by an unfair housing practice may file a verified written complaint with the City, including the name and address of the person alleged to have committed the unfair housing practice and such other information as may be required by the City. (Prior code 10-17; Ord. 03-05 §1, 2005)

Sec. 18-12-30. Unfair housing practices prohibited.

It is unlawful for any person:

(1) To refuse to show, sell, transfer, rent, lease or refuse to receive and transmit any bona fide offer to buy, sell, rent or lease, or otherwise to deny to or withhold from any person such housing because of disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry.

(2) To discriminate against any person because of disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry in the terms, conditions or privileges pertaining to any housing or the transfer, sale, rental or lease thereof or in the furnishing of facilities or services in connection therewith.

(3) Upon application for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing, to make or cause to be made any written or oral inquiry concerning the disability, race, creed, color, sex, sexual orientation, marital status, familial status, religion, national origin or ancestry of any person seeking such financial assistance or prospective occupants or tenants of such housing, or to discriminate against any person because of the disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry of such person or prospective occupants or tenants in the terms, conditions or privileges relating to obtaining or use of any such financial assistance.

(4) To include in any transfer, sale, rental or lease of housing any restrictive covenant or to honor, exercise or attempt to honor or exercise any restrictive covenant.

(5) To make, print, publish or cause to be made, printed or published any notice or advertisement relating to the sale, transfer, rental or lease of any housing which indicates any preference, limitation, specification or discrimination based on disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry.

(6) To aid, abet, incite, compel or coerce the doing of any act defined in this Article as an unfair housing practice, to obstruct or prevent any person from complying with this Article, or to

attempt either directly or indirectly to commit any act defined in this Article as an unfair housing practice.

(7) To discharge, demote or discriminate in matters of compensation against any employee or agent because of obedience to this Article.

(8) To represent or advertise, directly or indirectly, for the purpose of promoting housing sales, rentals or leases in a geographic area, that changes have occurred, will occur or may occur in the composition of the geographic area with respect to disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry, or that such changes may result in lowering property values, in increased criminal or antisocial behavior or in declining quality of schools in the geographic area.

(9) To refuse to offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in the purchase, lease or rental thereof on the basis of disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry.

(10) To deny any person access to or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing on the basis of disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry. (Prior code 10-18; Ord. 03-05 §1, 2005)

Sec. 18-12-40. Exceptions.

(a) This Article shall not bar any religious or denominational institution or organization from limiting the sale, rental or occupancy of buildings it owns or operates for other than commercial purposes to persons to the same religion or denomination, or from giving preference to such persons, unless membership in such religion or denomination is restricted on account of disability, race, creed, color, sex, age, sexual orientation, marital status, familial status, religion, national origin or ancestry.

(b) This Article shall not bar any person from leasing premises only to members of one (1) sex.

(c) This Article shall not apply to any room offered for rent or lease in a single-family dwelling maintained by the owner or lessee of said dwelling as his or her household.

(d) This Article shall not bar the transfer, sale, rental, lease or development of housing designed or intended for the use of the disabled, provided that there is no discrimination on the basis of race, creed, color, age, sexual orientation, marital status, familial status, religion, ancestry or national origin.

(e) This Article shall not bar familial status discrimination in:

(1) Any owner-occupied lot containing four (4) or fewer dwelling units;

(2) Any residential building in which the owner or lessor publicly establishes and implements a policy of renting or selling exclusively to persons fifty-five (55) years of age or older, but only as long as such policy remains in effect;

(3) Any residential institution;

(4) Any dwelling unit rented, leased or subleased for no more than eighteen (18) months while the owner or lessee is temporarily absent, when the owner or lessee leaves a substantial amount of personal possessions on the premises; or

(5) Up to one-third ($\frac{1}{3}$) of the buildings in a housing complex. (Prior code 10-19; Ord. 03-05 §1, 2005)

ARTICLE 13

Uniform Code for the Abatement of Dangerous Buildings

Sec. 18-13-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the abatement of dangerous buildings code of the City, by reference thereto, the *Uniform Code for the Abatement of Dangerous Buildings* (UCADB), 1997 Edition, together with all appendices and tables thereto, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA 90601. The subject matter of the adopted code concerns inspections of dangerous buildings, enforcement of orders of the Building Official for abatement thereof and procedures for recovery of cost of abatement. (Ord. 11-09 §1, 2009)

Sec. 18-13-20. Copy on file.

At least one (1) copy of the UCADB, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price. (Ord. 11-09 §1, 2009)

Sec. 18-13-30. Amendments.

The following chapters, sections, subsections, paragraphs and appendices of the UCADB are hereby amended as follows:

(1) Section 102.1 is amended to read as follows:

"102.1 PURPOSE. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. The purpose of this

code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code."

(2) Section 103 is amended to read as follows:

"SECTION 103 – ALTERATIONS, ADDITIONS AND REPAIRS.

"All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the building regulations set forth in Chapter 18 of the Edgewater Municipal Code."

(3) Section 205 is amended to read as follows:

"SECTION 205 – BOARD OF APPEALS.

"Appeals of orders, decisions and determinations of the building official may be made in accordance with the procedures set forth in Section 18-1-30 of the Edgewater Municipal Code."

(4) Section 301 is amended to read as follows:

"SECTION 301 – GENERAL.

"For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine include the masculine.

"BUILDING CODE includes the following codes as adopted by reference and amended by the City of Edgewater: International Building Code, International Residential Code, National Electrical Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Existing Building Code, and International Energy Conservation Code.

"DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

"BUILDING OFFICIAL is the City Engineer, or his or her designee, as established in Section 18-1-20 of the Edgewater Municipal Code."

(5) Item number 13 listed under Section 302 is hereby amended to read as follows:

"13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or

of any other law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings."

(6) Subsection 501.3 is amended to read as follows:

"501.3 Scheduling and Noticing Appeal for Hearing. The process for scheduling and noticing appeals for hearings shall be in accordance with Section 18-1-30 and Article 24, Chapter 16 of the Edgewater Municipal Code."

(7) Chapter 6 is deleted in its entirety.

(8) Chapter 8 is amended to read as follows:

"Chapter 8

"PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

"SECTION 801 – GENERAL.

"When any work of repair or demolition is to be done pursuant to Section 701.3, item 3, of this code, the Building Official shall employ such forces and persons as may be necessary to perform the repairs necessary to correct the conditions as set forth in the notice and order. Said work shall be accomplished by either employees of the City of Edgewater or by private contract under the direction of the Building Official. The City Manager shall have the authority to engage the necessary assistance and incur the necessary expenses thereof. The City or any of its representatives shall proceed in all repair or demolition cases with due care and without any unnecessary destruction of property."

(9) Chapter 9 is amended to read as follows:

"Chapter 9

"RECOVERY OF COST OF REPAIR OR DEMOLITION

"SECTION 901 – RESPONSIBLE PARTY.

"The record owner of the building shall be responsible for and pay and bear all costs and expenses of the repair or demolition as ordered by the City. The actual costs of repair or demolition, together with an additional five percent assessment for inspection and incidental costs and an additional ten percent assessment for costs of collection, shall be assessed against the owner of any private property upon which a nuisance was abated and such costs and expenses may be collected by the City in any action at law, referred for collection by the City, or assessed against the property as hereinafter provided.

"SECTION 902 – ASSESSMENT.

"The City Treasurer shall mail notice of the assessment by registered mail to all record owners at the address as shown in the Jefferson County tax assessor's records and such costs shall be paid to the City Treasurer within thirty (30) days of mailing of the same. Service shall

be complete upon depositing the notice with the United States mail, postage prepaid for registered mail. The notice shall notify such owners that work has been performed pursuant to notice of the City Manager, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof, as certified by the City Treasurer, including the additional assessments in accordance with this Chapter. Such notice shall also state that if said amount is not paid within thirty (30) days after mailing of the notice, it shall become an assessment on and a lien against the property of said owner, will be certified by the City Clerk to the County Treasurer as an assessment against such property, and will be collected in the same manner as a real estate tax upon the property.

"SECTION 903 – LIEN OF ASSESSMENT.

"Failure to pay such assessment within the thirty-day period provided shall cause such assessment to become a lien against the property until paid and shall have priority over all other liens, except general taxes and prior special assessments. The City Clerk shall certify any assessment not paid when due to the County Treasurer, who shall collect the assessment, including the five percent assessment for inspection and incidental costs and the ten percent assessment for costs of collection, in the same manner as other taxes are collected."

(Ord. 11-09 §1, 2009)

Sec. 18-13-40. Penalty.

Any person convicted of a violation of this Article or of the *Uniform Code for the Abatement of Dangerous Buildings* adopted herein shall be punished by a fine not exceeding nine hundred ninety-nine dollars (\$999.00). (Ord. 11-09 §1, 2009)